

§ 806b.37

The recycling sales contract must contain a clause requiring the contractor to safeguard privacy material until its destruction and to pulp, macerate, shred, or otherwise completely destroy the records. Originators must safeguard Privacy Act material until it is transferred to the recycling contractor. A Federal employee or, if authorized, a contractor employee must witness the destruction. This transfer does not require a disclosure accounting.

Subpart K—Privacy Act Exemptions

§ 806b.37 Exemption types.

There are two types of exemptions permitted by 5 U.S.C. 552a:

(a) A *General exemption* authorizes the exemption of a system of records from most parts of the Privacy Act.

(b) A *Specific exemption* authorizes the exemption of a system of records from only a few parts.

§ 806b.38 Authorizing exemptions.

Denial authorities may withhold records using Privacy Act exemptions only when an exemption for the system of records has been published in the FEDERAL REGISTER as a final rule. Appendix D lists the systems of records that have published exemptions with rationale.

§ 806b.39 Requesting an exemption.

A system manager who believes that a system needs an exemption from some or all of the requirements of the Privacy Act will send a request to Air Force Chief Information Officer/P through the Major Command or Field Operating Agency Privacy Act Officer. The request will detail the reasons for the exemption, the section of the Act that allows the exemption, and the specific subsections of the Privacy Act from which the system is to be exempted, with justification for each subsection.

§ 806b.40 Exemptions.

Exemptions permissible under 5 U.S.C. 552a (subject to §806b.38 of this part):

(a) *The (j)(2) exemption*. Applies to investigative records created and main-

32 CFR Ch. VII (7–1–08 Edition)

tained by law-enforcement activities whose principal function is criminal law enforcement.

(b) *The (k)(1) exemption*. Applies to information specifically authorized to be classified under the DoD Information Security Program Regulation, 32 CFR part 159.

(c) *The (k)(2) exemption*. Applies to investigatory information compiled for law-enforcement purposes by nonlaw enforcement activities and which is not within the scope of Sec. 806b.40(a) of this part. However, the Air Force must allow an individual access to any record that is used to deny rights, privileges or benefits to which he or she would otherwise be entitled by Federal law or for which he or she would otherwise be eligible as a result of the maintenance of the information (unless doing so would reveal a confidential source).

(d) *The (k)(3) exemption*. Applies to records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506.

(e) *The (k)(4) exemption*. Applies to records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C. 8.

(f) *The (k)(5) exemption*. Applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information, but only to the extent such material would reveal the identity of a confidential source. This provision allows protection of confidential sources used in background investigations, employment inquiries, and similar inquiries that are for personnel screening to determine suitability, eligibility, or qualifications.

(g) *The (k)(6) exemption*. Applies to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal or military service, if the disclosure would compromise the objectivity or fairness of the test or examination process.